



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,428	11/19/2003	Shingo Nozawa	00862.023313.	4216
5514 7590 04/28/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,428

Applicant(s)

NOZAWA, SHINGO

Examiner

DANIEL TEKLE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9, 11, 13 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9, 11, 13 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2009 has been entered.

Response to Argument

Applicant's arguments with respect to claims 1-3, 6, 9, 11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 6, 9, 11, 13 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Enari (US 5,774,624) further in view of Kitamura et al. (US 6,556,627).

Regarding Claim 1: Enari discloses an imaging apparatus comprising: an image capture unit(**column 3 lines 45-46**); an encoding unit configured to encode a moving

picture signal, output by image capture unit using intraframe encoding and interframe encoding, and to generate an encoded image signal comprising a plurality of picture groups each comprising n (where n represents an integer equal to or greater than 2) flames of an image signal including intraframe-encoded pictures obtained by the intraframe encoding and interframe-encoded pictures obtained by the interframe encoding(**column 5 lines 34-65**); an instruction unit configured to provide an instruction to start a recording of the encoded images signal (column 1 lines 10-16); a recording unit configured to record, in response to the instruction, the encoded image generated by encoding unit, on a recording medium (**column 1 lines 30-48 of Kitamura et al.**); a communications unit configured to communicate the encoded image signal generated by encoding unit to an external device while the signal is in an encoded state (**column 6 line 12 to column 7 line 15 of Kitamura et al.**); and a controller configured to control, upon detection of the instruction and while the encoded image signal is being transmitted to the external device (**column 2 lines 20-58 of Kitamura et al.**), recording unit to start recording the encoded image signal (**Fig. 5 frame 7 to frame 15**), wherein controller controls recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected if the frame is an interframe-encoded picture (column 6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Kitamura et al. invention into Enari in order to record an AV data to internal or external recording apparatus.

Regarding Claim 2: Enari discloses an apparatus according to claim 1, wherein said recording unit has a memory for storing the equivalent of one picture group of the moving picture signal generated by said encoding unit (**column 8 lines 41-50**).

Regarding Claim 3: Enari discloses an apparatus according to claim 1, wherein said controller further controls said recording unit so as to record identification information, which indicates the frame corresponding to when the instruction was detected, in the picture group at the portion where recording starts (**Fig. 5 frame 7**).

Regarding Claim 6: Enari discloses an apparatus according to claim 1, wherein said controller controls said encoding unit to start recording by said recording unit if the frame corresponding to when the instruction is an interframe-encoded picture, without the frame corresponding to the instruction being encoded as an intraframe-encoded picture (**column 5 lines 34-65**).

Regarding Claim 9: Enari discloses an apparatus according to claim 1, wherein the leading frame of each picture group is the intraframe-encoded picture (**column 5 lines 59-65**).

Regarding Claim 11 and 13: Claim 11 and 13 reject for the same subject matter as discussed in claim 1 above.

Regarding Claim 20: Enari and Kitamura et al. discloses a recording apparatus according to claim 11, further Kitamura et al. discloses a buffer memory configured to store a plurality of frames of the encoded image signal encoded by said encoding unit (**column 9 line 64 to column 10 line 9**), wherein said controller controls, if the frame is

the interframe picture, recording unit to read out the encoded image signal from the buffer unit from the beginning of the picture group and to record the read image signal **(column 6 line 12 to column 7 line 15 and column 8 lines 11-20)**.

Claim 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. (US 6,556,627) further in view of Enari (US 5,774,624).

Regarding Claim 21: Kitamura et al. and Enari discloses a recording apparatus comprising: an input unit configured to input a moving picture signal **(Fig. 6a of Kitamura)**; an encoding unit configured to encode the moving picture signal input by input unit, using intraframe encoding and interframe encoding, and to generate an encoded image signal **(column 6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.)**; an instruction unit configured to provide an instruction from a user to start a recording of the encoded image signal **(column 6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.)**; a recording unit configured to record, in response to the instruction, the encoded image signal generated by said encoding unit, on a recording medium **(column 6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.)**; a communication unit configured to communicate the encoded image signal generated by said encoding unit, to an external device while the signal is in an encoded state **(column 6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.)**; and a controller configured to control, upon detection of the instruction while the encoded image signal is being transmitted to the external device, recording unit to start recording the encoded image signal **(column**

6 line 12 to column 7 line 15 and column 8 lines 11-20 of Kitamura et al.), wherein said controller controls said recording unit to record the encoded image signal from a frame that is an intraframe-encoded picture and is required to decode a frame corresponding to when the instruction is detected, if the frame corresponding to when the instruction is detected is an interframe-encoded picture (**column 5 lines 24-33 of Enari**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Enari invention into Kitamura et al. in order to have switch circuit to connect to the respective contact.

Regarding Claim 22: Kitamura et al. discloses apparatus according to claim 21, further comprising: a buffer memory configured to store a plurality of frames of the encoded image signal encoded by said encoding unit (**column 9 line 64 to column 10 line 9**), wherein said controller controls, if the flame corresponding to when the instruction is detected is the interframe picture, said recording unit to read out the image signal starting from the frame, starting the frame required to decode the flame corresponding to when the instruction is detected from the buffer unit and to record the read image signal (**column 6 line 12 to column 7 line 15 and column 8 lines 11-20**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621